

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PODLUCKY et al.

Serial No.: 10/076,253

Filed: February 13, 2002

Art Unit: 1761

Examiner: A. J. Weier

Atty. Docket No.: 01-410-US

TEA BREWING SYSTEM

VIA TELEFAX 703-308-5065**Attention: Ms. Darlene Lyon**

Commissioner for Patents

MAIL STOP ISSUE FEE

P.O. BOX 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR 1.181**

Dear Sir:

In response to the Notice of Abandonment mailed September 1, 2004, (a copy of which is attached), Applicants submit that the abandonment holding was made in error and therefore respectfully request withdrawal of the abandonment holding and immediate reinstatement of the above-referenced patent application, including any patent term adjustment to which the Applicants may be entitled.

In the Notice of Abandonment, it was stated that Applicants failed to timely pay the issue fee. This is not true. On July 15, 2004, Applicants sent a

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED☐ deposited with the United States Postal Service on with sufficient postage as first-class mail in an envelope addressed to**FACSIMILE**☒ transmitted by facsimile on September 15, 2004 to the U.S. Patent and Trademark telefax number 703-308-5065.

Jody L. Burtner

(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

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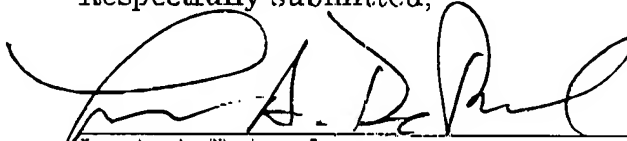
check in the amount of \$655.00 and authorized any deficiency to be charged to the undersigned's deposit account. Attached is a complete copy of the mailing made on July 15, 2004, which mailing included a transmittal letter with authorization to charge any deficiency. Also attached is a copy of the returned postcard indicating receipt of the July 15, 2004, mailing in the USPTO mailroom on July 19, 2004.

Because Applicants timely paid the issue fee *in toto* as shown by the attached documents, Applicants submit that no petition fee is required. However, in the event that the Patent Office requires a petition fee for consideration of this request, the undersigned hereby authorizes the Commissioner to charge the requisite petition fee to Deposit Account No. 18-0582.

For at least the reasons provided above, Applicants respectfully request the Patent Office to withdraw the abandonment holding and to reinstate the above-referenced patent application including any patent term adjustment to which the Applicants may be entitled.

The undersigned verifies that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Respectfully submitted,



Louis A. DePaul
Reg. No. 28,407

Dated: September 15, 2004

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